

President's Report



DIETER YIH
President

PRESIDENT'S MESSAGE IN 2012 ANNUAL REPORT

I am pleased to present to you a review of your Law Society during 2012.

SAFEGUARDING THE RULE OF LAW

One of the important roles of The Law Society is to defend the rule of law and the independence of the judiciary as Hong Kong's core values. 2012 has been filled with debates revolving around the interpretation of the Hong Kong Basic Law. The Law Society firmly believes that the independence of the judiciary in Hong Kong is deeply established, and the quality, integrity and credibility of our judges are well respected. Given the expressed concerns raised by the community over the effects of an interpretation of the Basic Law by the Standing Committee of the National People's Congress on the independence of the judiciary and the rule of law, we have publicly urged the Government to act cautiously when considering whether to seek an interpretation of any provisions of the Basic Law.

IMPROVING PRACTICE ENVIRONMENT

Our decade long efforts in fighting for legislations to allow solicitors to practise as limited liability partnerships and to enjoy higher rights of audience were all passed in 2012 during my term as President, but these are the efforts and good work by my predecessors and the various committees that spent countless hours of their time, entirely on a voluntary basis, for the profession. We have finally passed the first hurdle of securing the necessary legislative framework for LLPs and HRA. There is still a lot of work to be done to ensure smooth implementation, and we continue to work on the supporting rules, regulations and administrative systems.

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The Higher Rights Assessment Board accepted the first batch of applications for HRA, both by way of exemption and assessment. My warmest congratulations go to 15 solicitors who have been granted HRA by way of exemption. In respect of those applicants who have sought HRA by way of assessment, The Law Society is working jointly with the Academy of Law to finalise the training courses for the assessment – we are looking forward to implementing courses by mid 2013.

GAINING PROPER RECOGNITION

With the passing of HRA during the year, I consider it timely to review the experience in the United Kingdom with respect to the appointment of solicitor advocates as Queen's Counsel. Since 1996, the UK has started to accept applications from solicitors for appointments as Queen's Counsel and solicitors were awarded the honour as early as in 1997. We have publicly advocated that solicitor advocates who have the requisite experience and standing in advocacy work should enjoy the same opportunity to be accorded the status of "Senior Counsel". To achieve this, legislative amendments will be needed, and we have submitted our proposal to amend section 31A of the *Legal Practitioners Ordinance* to include solicitor advocates for appointments as Senior Counsels.

Members have asked why we have not advocated for those with the requisite seniority and skills, but do not handle advocacy work, to also be awarded Senior Counsel. This is because traditionally, the award of Senior Counsel or formerly Queen's Counsel had been conferred on advocates who have demonstrated advocacy competency to a standard of excellence. We have in fact also advocated that it would be appropriate to confer similar recognition for these other solicitors under section 31A(4) of the *Legal Practitioners Ordinance* which does not include any requirement on advocacy experience in the eligibility criteria. However, the recognition given under this provision is an honorary title, and may carry a connotation that the appointees are not in practice. Further consideration is needed on an appropriate style of the designation when we put forward the necessary legislative amendments.

MAINTAINING THE HIGHEST STANDARDS

During the year, The Law Society has encouraged and facilitated constructive discussions on how to keep up standards for trainees who enter the profession. One featured suggestion is to conduct a common qualifying examination to ensure a uniform standard and an equal chance to all eligible graduates to qualify as a solicitor. The Law Society will be consulting for views on whether introducing a common qualifying examination for solicitors is an option worth considering and if so, then whether this should be an entry examination (before starting trainee contract) or exit examination (after trainee contract but before admission as a solicitor). This warrants thorough and extensive discussions among all stakeholders and I therefore do not expect the proposal to come to fruition within a short time, but we are prepared to focus all the effort that it deserves in the coming years on progressing it because we firmly believe that the outcome is crucial to the healthy growth of the profession.

In relation to mediation, we apply a rigorous standard in accrediting mediators to join our Panels of General and Family Mediators. One of the recommendations made in the report by the Secretary for Justice's Working Group on Mediation published in 2010 was to establish a single body for accrediting mediators to ensure the quality of mediators, consistency of standards, education of the public about mediators and mediation, build public confidence in mediation services and maintain the credibility of mediation. A non-statutory organisation, the Hong Kong Mediation Accreditation Association Limited ("HKMAAL") was set up in August, and The Law Society is a founding member. The aim of HKMAAL is to set standards for mediation training courses, to accredit mediators and other professionals involved in mediation and to promote a culture of best practice and professionalism in mediation in Hong Kong. We will continue our active support for the operation of HKMAAL.

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EXPLORING NEW OPPORTUNITIES

During the year, we have also focused efforts in exploring how the legal profession can assist in the development of Qianhai. Our *“Study Report on The Development of The Legal Profession in Qianhai”* was published in November. The report sets out in detail the findings of our study on the prospects and strategies of the development of the legal profession in Qianhai from various perspectives including policy, legality and practicality. Based on the study, we will continue our work to assist the legal profession to expand their services in the Mainland market.

Myanmar has attracted global attention as it opens up its economy to foreign investments. We organised a study mission to Myanmar in July to facilitate understanding of the country's legal infrastructure and judicial system and evaluation of the potential of expanding the legal service market there.

We have sponsored delegations to participate in road shows to promote Hong Kong's legal services to Tokyo, Hangzhou and Chongqing organised by the Hong Kong Trade and Development Council.

PROVIDING RELEVANT AND EFFECTIVE SUPPORT TO MEMBERS

We strive to provide relevant and effective services to our members. Busy with their daily practice, members often look to The Law Society to provide opportunities for a more well-balanced development, socially and professionally.

In 2012, we administered a total of 23 recreation and sports groups with participation by 350 members in over 60 events including the UNICEF Charity Run, the Standard Chartered Marathon, the Cross Straits Lawyers Golf Tournament, Hong Kong International Dragon Boat Race, Dr Henry Fok Corporate Patron Tennis League and many others.

Apart from sports, we also organised social functions for members during the year. There were live concerts by our own band “TLF”, summer party with other professional groups, Christmas party, recreational family fun day, cooking competition and swimming gala. We organised “CONNECTED” activities for new entrants to our profession, and we organised regular luncheon and drinks gatherings for young solicitors, trainees and law students where there were lively discussions on topics of social interest by various public figures.

With respect to members' professional development, we provided 500 continuing professional development and risk management education courses during the year, attracting an attendance of about 16,000 registrations. We organised courses for general staff of law firms to bring them up to date on the relevant Law Society requirements. To enrich international exposure of our younger lawyers, we sponsored their attendances at international conferences such as the annual conferences of LawAsia, the Inter Pacific Bar Association, the International Bar Association, the Union Internationale des Avocats, the Commonwealth Law Conference and the All China Lawyers Annual Conference.

We were also able to negotiate, as a profession, for free Lexis Nexis access to specified research tools. Nearly 2,000 members and 130 law firms are now accessing the offsite research platform *“LawSociety Lexis”* without up-front service charges.

We also launched a disability income insurance scheme which is offered free of charge to members.

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GIVING BACK TO OUR COMMUNITY

Members have been actively participating in pro bono and community work, often quietly fulfilling their social responsibilities in different meaningful ways. We help members to do so by providing for structured opportunities. During the year:

- we organised a series of community projects including “*Teen Talk*”, involving over 220 solicitor volunteers facilitating discussions on topics of legal interest among 2,200 secondary student participants
- our annual “*Law Week*” handled nearly 1,400 requests for legal assistance through the helplines manned by over 100 solicitor volunteers over the period of three months
- the “*Path Builders Mentorship Programme*” enlisted over 130 mentors for 120 student mentees
- the “*Law and New Generation Programme*” with members giving talks and public forums discussions on legal and social issues
- a pilot volunteer scheme with Standing Committee on Language Education and Research of the Education Bureau involving 10 law firms benefiting nearly 420 students with opportunities of English speaking occasions
- the HKCSS — Law Society Collaboration Project supporting worthwhile causes (one of which being the “*WiseGiving*” project) of The Hong Kong Council of Social Services.

In closing, I wish to say that I have derived tremendous honour and pleasure to be trusted with the opportunity to serve you and the profession. I extend my sincere thanks to my family, my colleagues, my fellow Council Members, committee members and the Secretariat for their unfailing support. Exciting challenges lie ahead for all of us, and I will continue to do my best to champion the initiatives for the benefit of the profession.

Dieter Yih
President